THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.15314 of 2007

Dt: 23.07.2007

Between:

Vallabhaneni Siva Samrajyam.

.. Petitioner

and

The State Election Commission and others.

.. Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.15314 of 2007

ORDER:

The petitioner was appointed as an Anganwadi worker for Duggirala Village and Mandal, Guntur District and was also elected as a Sarpanch of the village. The Project Director, District Women and Child Development Agency, Guntur-4th respondent herein issued memo, dated 05-07-2007, requiring the petitioner to exercise an option either to continue as Sarpanch or Anganwadi worker within 15 days. Reference is made to an order of this court, dated 02-04-2007 in W.P.No.5537 of 2007. The petitioner challenges the memo, dated 05-07-2007, on the ground that the A.P.Panchayat Raj Act (for short 'the Act') contains detailed procedure and prescribes an authority, to decide the question of disqualification under Section 18 of the Act, and the impugned memo is contrary to the same.

Heard the learned counsel for the petitioner and the learned

Government Pleader for Women and Child Welfare.

Admittedly, the 3rd respondent is not an authority under the Act. It is only when the proceedings are initiated under the Act, that the petitioner can invoke the provisions thereof. According to the Government Orders in vogue, a person, who is appointed as an Anganwadi worker, cannot hold an elective office of Sarpanch etc. In W.P.No.5537 of 2007, this court held that an individual cannot hold the post of Anganwadi worker and the office of Sarpanch at one and the same time. However, having regard to the lack of certainty in the matter, this court gave the petitioner therein an opportunity to choose either to continue as Anganwadi Worker or member of the Gram Panchayat within 15 days. The same course was adopted in this case. This Court does not find any basis to interfere with the impugned memo.

Accordingly, the writ petition is accordingly dismissed. There shall be no order as to costs.

_____

23-07-2007

Prv